

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

221-2

CWP-18218-2018 (O&M)

Date of decision: 10.12.2021

MANMOHAN SINGH & ORS

..Petitioners

Versus

STATE OF PUNJAB AND ANR.

..Respondents

CWP-17629-2018 (O&M)

JAGMOHINDER KAUR (DECEASED) THR LRS & ANR

..Petitioners

Versus

STATE OF PUNJAB AND ANR.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Karan Gupta, Advocate for the petitioners.

Mr. Nikhil Chopra, Addl AG, Punjab.

Mr. Sunil K. Rana, Advocate for UOI.

ANIL KSHETARPAL, J (Oral)

This order shall dispose of CWP No.18218 and 17629 of 2018.

Learned counsel representing the parties are ad idem that the facts are

identical in both the writ petitions. Accordingly, facts are being noticed from

CWP No.18218 of 2018.

This writ petition was filed by late Smt. Jagmohinder Kaur and Chand Singh. Smt. Jagmohinder Kaur has died and legal representatives have been brought on record.

Some facts are required to be noticed.

In order to utilise the land for the construction of southern bypass for Patiala city, the State of Punjab initiated proceedings for acquisition of the land vide a notification dated 09.04.2001 which was followed by a declaration on 06.04.2002. The Land Acquisition Collector pronounced the award under Section 11 of the Land Acquisition Act, 1894 (in short '1894 Act') on 11.11.2002. The various other owners applied under Section 18 of the 1894 Act whereas the petitioners did not file the application under Section 18 of the 1894 Act. The Reference Court vide its award dated 30.03.2012 redetermined the market value of the acquired land @ Rs.24,20,000/-. The Reference Court inadvertently did not grant benefit of interest under Section 28 of the 1894 Act forcing the owners to file review application which came to be allowed on 12.06.2012. The petitioners filed an application under Section 28-A of the 1894 Act on 27.06.2012. The Land Acquisition Collector kept the matter pending. In the meantime, the appeals filed under Section 54 of the 1894 Act were allowed by the High Court while redetermining the market value of the acquired land @ Rs.67,76,000/- per

Court, the petitioners filed CWP No.23309 of 2013 with a prayer to issue directions to the Land Acquisition Collector to decide application under Section 28-A of the 1894 Act. The High Court disposed of the writ petitions on 14.08.2013 directing the Land Acquisition Collector to take a decision in a time bound manner. The Land Acquisition Collector informed the petitioners that the decision on the application under Section 28-A of the 1894 Act has been deferred while awaiting decision of the High Court. It may be noted here that the Hon'ble Supreme Court has upheld the market value assessed by the High Court. Since, the Land Acquisition Collector failed to decide, CWP No.29020 of 2017 was filed by the petitioners. During its pendency, the Collector dismissed the application under Section 28-A of the 1894 Act, on 15.03.2018.

Smt. Jagmohinder Kaur and Chand Singh filed application on 27.06.2012 under Section 28-A of the 1894 Act. They claim that their application could be dismissed in entirety as they had applied qua their own land as well as the land belonging to Anoop Singh. The application under Section 30 of the 1894 Act for the apportionment of the compensation belonging to Anoop Singh has also been dismissed.

Learned counsel representing the petitioners contends that the petitioners were independent owners of certain parcel(s) of land and

therefore, their request for grant of same compensation under Section 28-A

has not been adjudicated by the Land Acquisition Collector.

At the time of hearing, learned counsel for the respondents failed to draw the attention of the Court to the decision of the Land Acquisition Collector with respect to the acquired land belonging to the petitioners. The petitioners have already filed the application on 27.06.2012.

Keeping in view the aforesaid facts, the writ petitions are disposed of by directing the Land Acquisition Collector to decide the claim of the petitioners with respect to the land belonging to the petitioners at the time of acquisition of the land. Let the decision be taken by the Collector within a period of 2 months, positively, from today.

All the pending miscellaneous application(s), if any, are also disposed of.

10.12.2021

ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE